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11 Attorneys for Plaintiff
12 CALIFORNIA GROCERS ASSOCIATION

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

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17 CALIFORNIA GROCERS ASSOCIATION, a Case No. 3:21-cv-00863-WHO
18 California non-profit organization

19 Plaintiff,

20 v.

21 CITY OF OAKLAND, a charter municipality

22 Defendant.

Case No. 3:21-cv-00863-WHO
**STIPULATION AND ORDER
CONTINUING MOTION TO
DISMISS HEARING DATE**

Judge: Hon. William H. Orrick
Dept.: Courtroom 2, 17th Floor

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1 Pursuant to Rule 6-2 of the Local Rules of the United States District Court for the
2 Northern District of California, Plaintiff California Grocers Association and Defendant City of
3 Oakland, by and through their undersigned counsel, stipulate as follows:

4 WHEREAS, Plaintiff filed the Complaint on February 3, 2021 (ECF No. 1) challenging
5 Ordinance 13639 C.M.S., an emergency ordinance that requires large grocery stores in Oakland
6 to pay employees an additional \$5.00 per hour in hazard pay during COVID-19;

7 WHEREAS, Defendant filed a motion to dismiss Plaintiff's Complaint on April 5, 2021
8 with a noticed hearing date of Wednesday May 12, 2021 at 2:00 pm. (ECF No. 14);

9 WHEREAS, Plaintiff's response was due April 19, 2021;

10 WHEREAS, Alameda County has been in the Orange tier or at a moderate risk level for
11 the spread of COVID-19 since at least March 30, 2021, according to the California Department of
12 Public Health's Blueprint for a Safer Economy;

13 WHEREAS, the Governor has announced a plan to fully reopen the state on June 15,
14 2021, and abandon the tier system, provided enough vaccine supply exists for Californians 16
15 years and older to be vaccinated and hospitalization rates remain stable and low;

16 WHEREAS, Defendant's Ordinance 13639 C.M.S. will no longer be in effect upon
17 Alameda County's entry into the Yellow tier or abandonment of the tier system, both of which
18 should signify a reduction of the risk of COVID-19 transmission to minimal;

19 WHEREAS, the Parties have conferred regarding continuing the hearing date for
20 Defendant's motion to dismiss in anticipation of Plaintiff either dismissing the suit if the
21 Ordinance is no longer in effect or filing an amended complaint in the event that the Ordinance
22 remains in effect after June 15, 2021; and

23 WHEREAS, this extension is the first such extension requested in this case relating to
24 Defendant's motion to dismiss.

25 THEREFORE, IT IS HEREBY AGREED AND STIPULATED THAT:

26 1. The hearing date for Defendant's motion to dismiss is continued to June 23, 2021
27 at 2:00 p.m. or at a date and time thereafter that is convenient to the Court;

28 2. Plaintiff shall file an amended complaint no later than June 16, 2021.

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4 Dated: April 23, 2021
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WILLIAM F. TARANTINO
KWAN PARK
ROBERT SANTOS SANDOVAL
MORRISON & FOERSTER LLP

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8 By: */s/ William F. Tarantino*
WILLIAM F. TARANTINO

9
10 Attorneys for Plaintiff
CALIFORNIA GROCERS
ASSOCIATION

11 Dated: April 23, 2021
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BARBARA J. PARKER, CITY ATTORNEY

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14 By: */s/ Selia M. Warren*
SELIA M. WARREN

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16 Attorneys for Defendant
CITY OF OAKLAND

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 26, 2021

Honorable William H. Orrick
UNITED STATES DISTRICT COURT JUDGE

ECF ATTESTATION

I, William F. Tarantino, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Selia M. Warren has concurred in this filing.

Dated: April 22, 2021

/s/ William F. Tarantino

William F. Tarantino

Attorneys for Plaintiff
CALIFORNIA GROCERS ASSOCIATION